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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,337	01/20/2000	Evgeniy M. Getsin	IACTP010	4283

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/488,337

Applicant(s)

GETSIN ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/24/04</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-24 are presented for examination; claims 1, 7, 13, and 19 independent.

The Office acknowledges the addition of claims 19-24; claim 19 independent.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. (hereinafter Roberts) (USPN 6,161,132) in view of Rust (USPN 6,535,909).

2. Referring to claims 1, 7, and 13, Roberts discloses a method for storing synchronization information for subsequent playback of an event on a plurality of client apparatuses, comprising the steps of:

providing an event stored in memory on at least one of the client apparatuses, wherein the client apparatuses and a host computer (server) are adapted to be connected to a network (Internet) (col. 7, line 30 to col. 8, line 2);

storing information on the host computer for allowing the simultaneous playback of the event from the memory on each of the client apparatuses (col. 7, line 30 to col. 8, line 2);

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Roberts does not disclose storing content and timing information transmitted during the simultaneous playback of the event at the host computer, and allowing the content and timing information to be downloaded utilizing the network for playback of said event and said downloaded content and timing information after the simultaneous playback. In analogous art, Rust discloses another method for storing synchronization information comprising the steps of:

storing content and timing information (i.e. archiving) transmitted during the simultaneous playback of the event at the host computer (e.g. abstract; Figures 2-6; col. 6, lines 28-40); and

allowing the content and timing information to be downloaded utilizing the network for playback of said event and said downloaded content and timing information after the simultaneous playback (e.g. abstract; Figures 2-6; col. 6, lines 41-65).

It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Rust with Roberts to allow the attendee to experience the presentation again, in order to more fully absorb the content, as well as to allow someone who was unable to attend the presentation to allow them to get up to speed with the critical information, thereby increasing customer service and allowing the proper disclosure of information to those required to view it as supported by Rust (col. 2, lines 6-31).

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3. As to claims 2, 8, and 14, Roberts-Rust discloses the invention substantially as discussed in the claim 1 rejection, including the event includes a video and audio presentation (Roberts, col. 2, lines 5-26).

4. As to claims 3, 9, and 15, Roberts discloses a method for storing synchronization information as stated above. Roberts does not disclose the information includes a history and data associated with the simultaneous playback. Rust discloses the information includes a history and data associated with the simultaneous playback (event log) (col. 7, lines 47-50). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Rust with Roberts to allow the attendee to experience the presentation again, in order to more fully absorb the content, as well as to allow someone who was unable to attend the presentation to allow them to get up to speed with the critical information, thereby increasing customer service and allowing the proper disclosure of information to those required to view it as supported by Rust (col. 2, lines 6-31).

5. As to claims 4, 10, and 16, Roberts-Rust discloses the invention substantially as discussed in the claim 1 rejection, including the network is a wide area network (Roberts, col. 1, lines 57-61). The Office takes the Internet to be synonymous with a wide area network.

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6. As to claims 5, 11, and 17, Roberts-Rust discloses the invention substantially as discussed in the claim 1 rejection, including the memory includes a digital video disc (DVD) (Roberts, col. 2, lines 5-18).

7. As to claims 6, 12, and 18, Roberts-Rust discloses the invention substantially as discussed in the claim 1 rejection, including the information includes chapter information associated with the DVD (Roberts, col. 4, lines 1-20). The term "track" can be considered equivalent to a chapter on a DVD since DVD movies are segmented into chapters such as audio CD's are segmented into audio tracks.

8. Claims 19-24 are rejected for similar reasons as stated above.

Response to Amendment

9. The affidavit filed on June 4, 2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Rust reference.

10. The Rust reference is a U.S. patent or U.S. patent application publication of a pending or patented application that claims the rejected invention. An affidavit or declaration is inappropriate under 37 CFR 1.131(a) when the reference is claiming the same patentable invention, see MPEP § 2306. If the reference and this application are not commonly owned, the reference can only be overcome by establishing priority of invention through interference proceedings. See MPEP Chapter 2300 for information

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on initiating interference proceedings. If the reference and this application are commonly owned, the reference may be disqualified as prior art by an affidavit or declaration under 37 CFR 1.130. See MPEP § 718. The affidavit only deals with independent claims 1, 7, 13, and 19, and are the only claims which have been considered in view of this affidavit.

11. Applicant's arguments filed June 4, 2004 have been fully considered but they are not persuasive.

12. Applicant argues, in substance, that (1) Rust does not disclose downloading content and timing information to be downloaded, rather they are merged before being downloaded to the client.

13. As to point (1), even though the content and timing information are merged into one file, this does not necessarily mean that both the content and timing information are downloaded to the computer. Merely rearranging the information into one file does not mean the information does not arrive at the destination. One example would be compressing a directory of files into one .zip file. Even though all the files are merged into one file, *all* the information contained in the separate files are contained in the single file. By this rationale the rejection is maintained.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEA
October 13, 2004

Will C. Vaughn
Primary Examiner
Art Unit 2143
William C. Vaughn Jr.